

ENTERED

May 17, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

TEHUM CARE SERVICES, INC.,¹

Debtor.

)
) Chapter 11
)
) Case No. 23-90086 (CML)
)
)
)
)**THIRD INTERIM DIP ORDER (I) AUTHORIZING DEBTOR TO (A) OBTAIN
POSTPETITION FINANCING AND (B) USE CASH COLLATERAL, (II) GRANTING
LIENS AND PROVIDING CLAIMS WITH SUPERPRIORITY ADMINISTRATIVE
EXPENSE STATUS, (III) MODIFYING THE AUTOMATIC STAY, (IV) SCHEDULING
A FINAL HEARING AND (V) GRANTING RELATED RELIEF**

[Relates to Dkt. Nos. 185, 243, 476]

On March 22, 2023, the Court held a hearing and entered the *Interim DIP Order (I) Authorizing Debtor to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Claims for Superpriority Administrative Expense Status, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief* [Dkt. No. 243] (the “First Interim DIP Order”).² On April 28, 2023, the Court held a hearing and entered the *Second Interim DIP Order (I) Authorizing Debtor to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Claims for Superpriority Administrative Expense Status, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief* [Dkt. No. 476] (the “Second Interim DIP Order”). The Court hereby amends and supplements the First Interim DIP Order (as amended by the Second Interim DIP Order) as follows:

¹ The last four digits of the Debtor’s federal tax identification number is 8853. The Debtor’s service address is: 205 Powell Place, Suite 104, Brentwood, Tennessee 37027.

² Capitalized terms used but not defined herein are given the meanings ascribed to such terms in the First Interim DIP Order.

1. The Milestone set forth in subparagraph (b) of Paragraph 15 of the First Interim DIP Order is revised to ~~"August 10, 2023."~~ ~~"the later of July 31, 2023 or fourteen (14) calendar days after the completion of a mediation among the DIP Secured Parties, the Debtor and the Committee, entry of the Final DIP Order."~~ All other Milestones set forth in the DIP Documents shall remain subject to approval at the Final Hearing, and all parties' rights to object to any and all Milestones are preserved.

2. Paragraph 18(a)(1)(A) of the First Interim DIP Order is modified as follows:

"(1) (A) the Debtor or the Creditors' Committee has filed an adversary proceeding or motion on or before the later of July 31, 2023 or fourteen (14) days after the conclusion of Mediation (defined herein); *provided, however* that if Mediation does not occur prior to July 31, 2023, the Challenge Period for the Debtor and Creditors' Committee shall expire on July 31, 2023; *provided, further* that the Committee's filing of a motion for derivative standing prior to the expiration of the Challenge Period (as defined below) shall toll the Challenge Period for the Creditors' Committee, pending resolution of such motion;"

3. The Debtor, the DIP Secured Parties, the Committee (collectively, the "Estate Mediation Parties") hereby agree to attend a mediation (the "Mediation") ~~the week of July 10, 2023,~~ with a mediator to be mutually agreed upon by the Mediation Parties (defined below) by May 22, 2023. Mediation shall be conditioned upon: (i) agreed attendance at the Mediation by all Estate Mediation Parties and one or more representatives with requisite settlement authority for YesCare Corp., M2 HoldCo, LLC, Perigrove 1018, LLC, and Geneva Consulting, LLC (collectively, the "Non-Estate Mediation Parties" and, together with the Estate Mediation Parties, the "Mediation Parties"); (ii) document productions requested of the DIP Secured Parties, YesCare Corp., M2 HoldCo, LLC, and Geneva Consulting, LLC being substantially completed by June 9,

13

2023; (iii) an omnibus hearing on any discovery disputes to be conducted on June 16, 2023, and to the extent discovery obligations remain outstanding after the hearing, such obligations must be satisfied by such date set by the Court at the omnibus hearing, and (iv) depositions being completed by June 30, 2023. The specifics about the Mediation will be set forth in a separate order.


4. For the avoidance of doubt, the term “Releasees,” as defined in Paragraph 17(a) of the First Interim DIP Order, and modified in Paragraph 3 of the Second Interim DIP Order, and shall not be construed in any way to include the Idaho Department of Correction. Nothing in this Order, First Interim DIP Order or the Second Interim DIP Order shall be deemed to change, modify, limit, or in any way affect the rights or claims of Ms. Adree Edmo against the Idaho Department of Correction, its affiliates, successors in interest, or assigns.

~~5. The Final Hearing to consider the relief requested in the DIP Motion shall be held on July 14, 2023 at 1:00 pm (prevailing Central Time) and any objections or responses to the DIP Motion shall be filed on or prior to July 13, 2023 at 5:00 p.m. (prevailing Central Time).~~

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6. All other terms and provisions of the First Interim DIP Order and Second Interim DIP Order shall remain the same and in full force and effect.

Signed: May 17, 2023


 Christopher Lopez
 United States Bankruptcy Judge